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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2009-10

13 **NANCY ANN KAERCHER LITTLE, AKA**
14 **NANCY ANN LITTLE**
8331 Redbank Way
Sacramento, CA 95829-6106

A C C U S A T I O N

15 Registered Nurse License No. 283529

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about August 31, 1977, the Board issued Registered Nurse License
25 No. 283529 to Nancy Ann Little, also known as Nancy Ann Kaercher Little ("Respondent"). The
26 registered nurse license will expire on February 28, 2009, unless renewed.

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1 "State agency" includes every state office, officer, department, division, bureau,
2 board, authority, and commission.

3 5. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7 years after the expiration.

8 6. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse
10 or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the
12 following:

13 (1) Incompetence, or gross negligence in carrying out usual certified or
14 licensed nursing functions.

14 **REGULATORY PROVISIONS**

15 7. California Code of Regulations, title 16 ("Regulation"), section 1442
16 states:

17 As used in Section 2761 of the code, 'gross negligence' includes an
18 extreme departure from the standard of care which, under similar circumstances,
19 would have ordinarily been exercised by a competent registered nurse. Such an
20 extreme departure means the repeated failure to provide nursing care as required
or failure to provide care or to exercise ordinary precaution in a single situation
which the nurse knew, or should have known, could have jeopardized the client's
health or life.

21 8. Regulation section 1443.5 states:

22 A registered nurse shall be considered to be competent when he/she
23 consistently demonstrates the ability to transfer scientific knowledge from social,
biological and physical sciences in applying the nursing process, as follows:

24 (1) Formulates a nursing diagnosis through observation of the client's
25 physical condition and behavior, and through interpretation of information
obtained from the client and others, including the health team.

26 (2) Formulates a care plan, in collaboration with the client, which
27 ensures that direct and indirect nursing care services provide for the client's safety,
comfort, hygiene, and protection, and for disease prevention and restorative
28 measures.

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1 (3) Performs skills essential to the kind of nursing action to be taken,
2 explains the health treatment to the client and family and teaches the client and
family how to care for the client's health needs.

3 (6) Acts as the client's advocate, as circumstances require, by initiating
4 action to improve health care or to change decisions or activities which are against
the interests or wishes of the client, and by giving the client the opportunity to
5 make informed decisions about health care before it is provided.

6 **COST RECOVERY**

7 9. Code section 125.3 provides, in pertinent part, that the Board may request
8 the administrative law judge to direct a licentiate found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 **BACKGROUND**

12 10. At all times herein mentioned, Respondent was employed by Mercy
13 Healthcare Sacramento at Mercy General Hospital in the Progressive Care Unit ("PCU") in
14 Sacramento, California. Respondent had approximately three years of telemetry experience at
15 Mercy General Hospital in the PCU as of June 27, 2005.

16 11. On or about June 24, 2005, following coronary surgery at Mercy General
17 Hospital, Patient A was transferred to the PCU for telemetry with physician's cardiac surgery
18 transfer orders to follow temporary pacer protocol and to call a cardiologist in the event
19 ventricular tachycardia exceeded 6 beats. Patient A had known life-threatening risk factors for
20 cardiac dysrhythmia and dysfunction.

21 12. On or about June 27, 2005, Respondent, the nurse assigned to the care of
22 Patient A, was notified by the monitor technician at 0500, 0509, and 0515 hours of Patient A's
23 ventricular dysrhythmia and the pacemaker's failure to capture. Respondent, without checking
24 Patient A, dismissed the first two notices as "artifact" and "paced". At 0515 hours, the monitor
25 technician notified Respondent a third time of Patient A's continued ventricular dysrhythmia.
26 Respondent then entered Patient A's room and found Patient A on the floor without pulse or
27 respiration. Respondent called a "Code Blue"; however, she failed to initiate resuscitation.
28 Patient A was pronounced dead at approximately 0550 hours.

1 **CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 13. Respondent's registered nurse license is subject to disciplinary action
4 under Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on
5 or about June 27, 2005, while working at Mercy General Hospital as a registered nurse in PCU,
6 Respondent was guilty of gross negligence as set forth above in paragraphs 11 and 12, within the
7 meaning of Regulation 1442, as follows:


- 8 a. Respondent failed to assess Patient A's status in a timely manner.
9 b. Respondent failed to respond to alerts of life-threatening cardiac
10 dysrhythmia of Patient A in a timely manner.
11 c. Respondent failed to initiate resuscitative efforts on Patient A in a timely
12 manner.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters
15 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License No. 283529, issued to
17 Nancy Ann Little, also known as Nancy Ann Kaercher Little;
18 2. Ordering Nancy Ann Little, also known as Nancy Ann Kaercher Little, to
19 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
20 this case, pursuant to Business and Professions Code section 125.3; and
21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 7/14/08

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24 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

27 03579110-SA2008301135

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